

In re ) Fair Hearing No. 15,317  
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Appeal of )

The petitioner appeals the onset date for his ANFC eligibility, claiming that it was not determined in a timely manner.

1. The petitioner applied for ANFC on behalf of his family, which was recently forced to flee its home in Cambodia, on October 29, 1997. At that time, he, his wife and four children (aged 2 to 13) had no money and were living with the petitioner's brother.

2. The petitioner was interviewed on October 31, 1997, by an eligibility specialist who told him that he needed to get Social Security cards for his children and to register for work with the Department of Employment and Training. As soon as that information had been verified, the worker told the petitioner that, barring something unforeseen, she expected to process the application on the coming Wednesday, November 4. Wednesday was the only day each week she had free to process paperwork.

3. Because of more pressing work (such as crisis situations and computer shutdowns) over the next few weeks which the eligibility specialist could not recall in detail,

she was unable to determine the petitioner's eligibility until the third Wednesday after the application, November 19, 1997. During the interim period, the petitioner called repeatedly to try to speed things up. The specialist did tell the petitioner that he could apply for General Assistance to meet his emergency needs while his application was pending. The petitioner did so on November 3, and was granted two payments of about \$30 each. (The family had been determined eligible for Food Stamps and received them starting on November 4, 1997.) The petitioner was forced to borrow money from his brother to live on in the meanwhile.

4. The petitioner was mailed a notice dated November 20, 1997, advising him of his family's eligibility for ANFC effective November 19, 1997. The petitioner appealed that decision because he believes his eligibility should have begun on November 5, because he met all eligibility requirements by that Wednesday. He protests that the time it took was unnecessary and was too long for a person with young children and no money to wait for assistance.

ORDER

The decision of the Department is affirmed.

REASONS

The regulations governing the processing of ANFC applications provides as follows:

Action on applications shall be completed as soon as possible but not later than within 30 days from date of application for ANFC. Within this deadline a decision must be made concerning the application and a notice of that decision in writing sent to the applicant.

The above program deadline applies except in unusual circumstances (e.g., where a decision cannot be reached because of failure or delay on the part of the applicant or an examining physician, or because of some administrative or other emergency that could not be controlled by the agency, in which instances the case record must document the cause for the delay). Failure to meet the established deadline shall not constitute the sole reason for denial of assistance unless it can be established and documented in the case record that such failure is the result of non-cooperation on the part of the applicant.

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There is no evidence that the petitioner's application was being neglected or could have been processed any earlier. The Department assisted the petitioner with emergency needs from funds that come solely out of state coffers (as opposed to the federally assisted ANFC program) while his application was pending, money which the state could have avoided paying out if it had been able to process the ANFC application.

The determination on the application is timely if it is completed within 30 days from the date of application, which in this case would have been November 28, 1997. The determination was completed nine days before the deadline. It cannot be said that the Department acted improperly in

this matter. As the decision is in accord with the regulations, it must be upheld. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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